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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,752	07/19/2006	Werner Swoboda	OST-051303	2014
22876 7590 02/04/2009 FACTOR & LAKE, LTD 1327 W. WASHINGTON BLVD. SUITE 5G/H CHICAGO, IL 60607				
EXAMINER				
GRAVINI, STEPHEN MICHAEL				
ART UNIT		PAPER NUMBER		
3743				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,752

Applicant(s)

SWOBODA, WERNER

Examiner

Stephen M. Gravini

Art Unit

3743

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 28-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 28-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-2, 4-11, 36, 28-33, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groven (US 2,472,293) in view of Bergman (US 4,771,728). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Groven as comprising:

a suspended carriage **19** which can be moved in a translatory manner along at least one travel way and is suspended over the at least one emitter **3**, and in that at least two downwardly extending suspension supports **21, 22** for suspension of the object are arranged one behind the other in the longitudinal direction on a bogie truck (as shown in figure 1) of the suspended carriage, the length of which supports can be changed independently of each other with the aid of a motor **17**. Groven also discloses the claimed at least one of the suspension supports comprises two belts or chains which can be individually wound with the aid of a motor and which act on either side of the object at a supporting structure receiving the object at column 5 line 57 through column 6 line 5, a container **2** that is open at the top and arranged below the travel way, and into the interior of which the object can be introduced by an extension of the length of the suspension support and of which the interior can be subjected to electromagnetic radiation from the at least one emitter, at least one emitter is fitted in a wall or the base of the container as shown in figure 1, at least one emitter is

fitted in the opposing side walls extending parallel to the translational movement of the objects and in at least one of the two end walls extending perpendicular to the translational movement of the objects or in the base of the container as shown in figure 1, a large number of emitters is arranged on all walls and in the base of the container as shown in figure 2, wherein any a plurality of emitters are provided in a U-shaped arrangement with two substantially vertical legs and a substantially horizontal base as shown in figure 1, wherein characterized the arrangement of the emitters at the substantially vertical legs is adapted to the course of the lateral surfaces of the object and the arrangement of emitters at the substantially horizontal base is adapted to the course of the downwardly oriented surface of the object as shown in figure 1, a protective gas can be supplied to the interior of the container at column 4 lines 52-72 and IR radiation in the background disclosure of the invention section of that reference, inlet sluice protective gas arrangement at column 6 lines 20-34. Groven discloses the claimed invention, except for the claimed feature wherein the device comprises a controller via which the length of the suspension supports can be automatically adapted to the vertical dimensions of the object, and, further wherein the length of the suspension supports can be changed by the controller in such a way that, during a conveying movement of the object past the at least one emitter, the quantity of electromagnetic radiation striking the material per unit of area and the intensity thereof do not fall below respectively predeterminable thresholds required for curing. Bergman, another electromagnetic curing device, discloses that feature at column 6 line 48 through column 7 line 27. It would have been obvious to one skilled in the art to

combine the teachings of Groven, with an electromagnetic controller measuring and scanner like sampling, as disclosed in Bergman, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Matsubara (US 4,769,925). Groven discloses the claimed invention, as rejected above, except for the feature of a plurality of suspended carriages which each comprise a separate driving unit for a translatory movement along the travel way. Matsubara discloses that feature on the face of that reference. It would have been obvious to one skilled in the art to combine the teachings of Groven, with a plurality of suspended carriages which each comprise a separate driving unit for a translatory movement along the travel way, as disclosed in Matsubara, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Bergman. Groven in view of Bergman discloses the claimed invention, as rejected above, except for the feature of heavier than air protective gas in the immediate vicinity of at least one emitter and UV light. It would have been an obvious matter of design choice to one skilled in the art to combine the teachings of Groven, with the feature of heavier than air protective gas in the immediate vicinity of at least one emitter and UV light, since the teachings of Groven in view of Bergman would perform the invention as claimed, regardless of the type of protective gas used.

Claims 14-17 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Bergman in view of Nilsson (US 4,416,068). Groven in view of

Bergman discloses the claimed invention, as rejected above, except for the feature of an uneven reflector or reflector material. Nilsson discloses that feature at column 8 lines 11-43. It would have been obvious to one skilled in the art to combine the teachings of Groven in view of Bergman, with a feature of an uneven reflector or reflector material, as disclosed in Nilsson, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner. Furthermore, Groven in view of Bergman in view of Nilsson discloses the claimed invention except for the claimed aluminum foil. It would have been an obvious matter of design choice to one skilled in the art to combine the teachings of Groven in view of Nilsson, with the feature aluminum foil, since the teachings of Groven in view of Nilsson would perform the invention as claimed, regardless of the type of reflective material used.

Claims 18-20 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Bergman in view of Miskella (US 2,841,684). Groven in view of Bergman discloses the claimed invention, as rejected above, except for the feature of cabin housing. Miskella discloses that feature in the detailed description and figures of that reference. It would have been obvious to one skilled in the art to combine the teachings of Groven in view of Bergman, with a feature of a cabin housing, as disclosed in Miskella, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claims 21-25 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Bergman in view of Miskella in view of Kordomenos et al. (US 4,581,424). Groven in view of Bergman in view of Miskella discloses the claimed

invention, as rejected above, except for the feature of catalyst oxygen removal through filtering and adsorption. Kordomenos discloses that feature in the detailed description and figures of that reference. It would have been obvious to one skilled in the art to combine the teachings of Groven in view of Bergman in view of Miskella, with catalyst oxygen removal through filtering and adsorption, as disclosed in Kordomenos, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claims 34-35 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Bergman in view of Ifju et al. (US 6,327,030). Groven in view of Bergman discloses the claimed invention, as rejected above, except for the feature of a video digital image resolution. Ifju discloses that feature at column 6 line 48 through column 7 line 27. It would have been obvious to one skilled in the art to combine the teachings of Groven in view of Bergman, with video digital image resolution, as disclosed in Ifju, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Response to Arguments

Applicant's arguments with respect to claims 1-25 and 28-39 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other prior art references cited in this application teach one or more features of the claimed invention, but are not relied upon in rejecting the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3743